United Nations A/54/69 - E/1999/8

General Assembly
Economic and Social Council

Distr.: General
26 March 1999

Original: English

General Assembly
Fifty-fourth session
Item 108 of the preliminary list*
Crime Prevention and Criminal Justice

Economic and Social Council
Substantive session of 1999
Item 14 (c) of the provisional agenda**
Crime Prevention and Criminal Justice

Elimination of violence against women

Report of the Secretary-General

Contents

		Paragraphs	Page
I.	Introduction	1-6	2
II.	Relevant action related to crime prevention and criminal justice	7-22	2
	A. Elaboration of a United Nations Convention against Transnational Organized Crime	7	2
	B. Global programme and technical advisory services	8-12	2
	C. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders	13-14	3
	D. Other activities	15-22	3
III.	Implementation of the Model Strategies and Practical Measures	23-54	4
	A. General overview	24-25	4
	B. Specific initiatives and measures	26-51	5
	C. Activities by other Organizations	52-54	9
IV.	Concluding remarks	55-60	9
Annex.	Resolutions of relevance to programme activities related to the elimination of violence against women and the implementation of General Assembly resolution 52/86		11

* A/54/50.

**To be issued under the symbol E/1999/100.

V.99-81805 (E)

99-27954 (E) 041099

I. Introduction

1. The present report is submitted in accordance with General Assembly resolution 52/86 of 12 December 1997, entitled "Crime prevention and criminal justice measures to eliminate violence against women", by which the Assembly adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, annexed to the resolution.

2. In the same resolution, the General Assembly, *inter alia*, urged Member States to review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters to ensure that women were treated fairly by the criminal justice system, and to be guided by the Model Strategies and Practical Measures in developing and undertaking strategies and practical measures to eliminate violence against women.

3. The General Assembly invited the Economic and Social Council to consider including the question of violence against women at the high-level segments of one of its forthcoming sessions, in the context of its discussion on the human rights of women, and called upon the Commission on Crime Prevention and Criminal Justice to continue to consider the elimination of violence against women within the training and technical assistance efforts of the United Nations Crime Prevention and Criminal Justice Programme. The Assembly requested the Secretary-General to ensure the wide dissemination of the new instrument with a view to promoting its use.

4. It will be recalled that the Model Strategies and Practical Measures are divided into 11 sections that deal with criminal law, criminal procedure, police, sentencing and correction, victim support and assistance, health and social services, training, research and evaluation, crime prevention measures, international cooperation and follow-up activities.

5. The Model Strategies and Practical Measures build on the measures included in the Platform for Action[1] adopted by the Fourth World Conference on Women and derives its definition from the Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104).

6. The Model Strategies and Practical Measures specifically acknowledge the need for an active policy of mainstreaming a gender perspective in all policies and programmes related to violence against women and of achieving gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in areas of decision-making related to the elimination of violence against women.

II. Relevant action related to crime prevention and criminal justice

A. Elaboration of a United Nations convention against transnational organized crime

7. In its resolution 53/111 of 9 December 1998, the General Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children and illegal trafficking in and transporting of migrants, including by sea. (For details concerning the deliberations and progress made with regard to the elaboration of the convention and a legally binding instrument against trafficking in women and children, see the report of the Secretary-General on the subject (E/CN.15/1999/5).) The Governments of Argentina and the United States of America presented a draft protocol to prevent, suppress and punish trafficking in women and children, supplementary to the United Nations Convention Against Transnational Organized Crime (A/AC.254/4/Add.3 and Rev.1 and A/AC.254/8) for consideration by the Ad Hoc Committee.

B. Global programme and technical advisory services

8. The Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute have prepared a Global Programme against Trafficking in Human Beings, in order to enable Governments and the international community to respond better to the worldwide problems of smuggling of migrants and trafficking in human beings (see E/CN.15/1999/CRP.2). The Global Programme will bring to the fore the involvement of organized criminal groups

in such crimes and will promote the development of effective criminal justice-related responses to it.

9. The Global Programme will involve assessing regional and interregional trends, taking stock of promising practices ("best practices") worldwide, carrying out demonstration projects in selected countries or regions and evaluating the projects based on standardized criteria. The end products of the Global Programme will be an overview of some of the most serious manifestations of smuggling of migrants and trafficking in human beings, a database of best practices, which will be accessible through the Internet, and a knowledge-based global strategy, which will be presented at a high-level forum.

10. In chapter VIII of the Model Strategies and Practical Measures, Member States and relevant entities of the United Nations system, *inter alia*, are urged to gather data and information, in particular concerning the extent to which economic deprivation and exploitation are linked to violence against women. In response to that call, the Global Programme consists of an integrated package of policy-oriented research and targeted technical cooperation to be carried out by the United Nations Office for Drug Control and Crime Prevention and the United Nations Interregional Crime and Justice Research Institute. At various stages of the Global Programme, cooperation will be sought from other United Nations entities, Member States, intergovernmental organizations, including the European Union, the academic community, non-governmental organizations and other organizations involved in addressing trafficking in human beings and related phenomena. The outline of the Global Programme will be available as a conference room paper for consideration by the Commission at its eighth session (E/CN.15/1999/CRP.2).

11. In addition to the Global Programme, technical assistance projects at the national and subregional levels are envisaged. For example, the Centre is in the process of developing a pilot project in the Philippines on trafficking in human beings, in cooperation with the Governments of the Philippines and the United States.

12. The Centre is engaged in a three-year project in South Africa entitled "Establishment of two outreach centres to counteract violence against women", which was initiated in 1998 and addresses violence against women by establishing two pilot outreach centres in Mpumalanga and Eastern Cape provinces, in line with the national crime prevention strategy. Each centre provides a range of services (legal advice, counselling, medical attention and support) to victims and counselling for perpetrators and potential perpetrators.

C. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

13. The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders will be held from 10 to 17 April 2000. Measures to eliminate violence against women could be discussed, in particular, under topic 4 of the programme, on offenders and victims.

14. One of the four research-oriented workshops that will be held within the framework of the Tenth Congress will be devoted to women in the criminal justice system. The workshop will be coordinated by the European Institute for Crime Prevention and Control, affiliated with the United Nations. The workshop will cover the following issues: female criminality, the treatment of female offenders, women as victims and women as practitioners in criminal justice systems. The workshop will include presentations on the main topics and discussion of gender mainstreaming in relation to the criminal justice system and will provide an opportunity to illustrate best practice examples of the draft resource manual on the implementation of the Model Strategies and Practical Measures on the Elimination of Violence against Women in the field of Crime Prevention and Criminal Justice and the compendium of promising practices on the Model Strategies (see paras. 15-20 below). (Further details are included in the discussion guide on the workshops, ancillary meetings, symposia and exhibits to be held at the Tenth Congress (A/CONF.187/PM.1/Add.1).)

D. Other activities

15. The International Experts Group Meeting on the Development of Instruments to Implement an International Criminal Justice Strategy to Eliminate Violence Against Women was held in Vancouver, British Columbia, Canada, from 17 to 19 December 1998. The meeting brought together 45 experts from governmental, intergovernmental and non-governmental organizations and academic institutions from 16 countries, representing the regions of Africa, Asia and the Pacific, North America, Latin America and the Caribbean and eastern and western

Europe. It was a joint initiative of the International Centre for Criminal Law Reform and Criminal Justice Policy, the Centre for International Crime Prevention of the United Nations Secretariat, the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the Latin American Institute for Crime Prevention and the Treatment of Offenders. The meeting was made possible through the support of the Government of Canada and in particular the Department of Justice.

16. The expert group was asked to review two practical tools:

(a) A draft resource manual on the implementation of the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice;

(b) A draft compendium of promising practices on the Model Strategies.

17. Both documents were developed to assist policy makers, criminal justice and law enforcement professionals and other concerned groups put the Model Strategies and Practical Measures into practice.

18. The resource manual is intended to offer concise information on the experiences acquired in various countries in successfully implementing the Model Strategies and Practical Measures. An accompanying reference tool is the compendium of promising practices on the Model Strategies to provide users access to detailed information on specific measures being undertaken in different contexts, resource persons and organizations with their contact information and references to other sources of information.

19. Throughout the resource manual, each provision of the Model Strategies and Practical Measures will be accompanied by a statement of the challenges entailed, a description of initiatives from around the world that address each provision and, where applicable, a discussion of what is known about the impact of implementation efforts.

20. Both documents will be available as a conference room paper for the consideration of the Commission at its eighth session.

21. In its resolution 52/86, the General Assembly called for the publication and dissemination of the Strategies for Confronting Domestic Violence: A Resource Manual[2] in all the official languages of the United Nations as well as in local languages, in particular for use in training and education programmes. The Secretariat has translated and disseminated the *Resource Manual* in English, French, Russian and Spanish.

22. Work is under way to revise and reissue the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice[3] to include the Model Strategies and other newly adopted international instruments. Resources permitting, the publication will be issued in all the official languages of the United Nations.

III. Implementation of the Model Strategies and Practical Measures

23. A list of resolutions of relevance to programme activities related to the elimination of violence against women and the implementation of General Assembly resolution 52/86 is contained in the annex to the present report. Twenty-six Member States responded to the request of the Secretary-General for information on the implementation of resolution 52/86, as follows: Algeria, Austria, Belarus, Brunei Darussalam, Colombia, Cuba, Dominican Republic, Ecuador, Finland, France, Germany, Guatemala, Honduras, Jordan, Kuwait, Madagascar, Mauritius, Morocco, Netherlands, Niger, Republic of Korea, Slovakia, Spain, Sweden, Switzerland and Ukraine.

A. General overview

24. In line with the Model Strategies and Practical Measures, some countries have recently reformed their laws and regulations or have adopted strategic plans, programmes and plans of action to reflect the issues addressed by that instrument. Major developments were prompted by it and new initiatives taken by States have related to review and reform of legislation (including criminal law and criminal procedural law) by which acts of violence against women were criminalized; empowerment of the police and judiciary with authority to intervene in certain cases of domestic violence; and introduction of victim reconciliation and compensation, either by the offender or by the State.

25. Safeguarding both the short- and long-term safety and security of victims and prospective victims was of sufficient concern to prompt the institution of legal means

of physical deterrence, such as preventive detention and imprisonment, cooling-off periods, longer-term imprisonment and court-ordered rehabilitation. Serious efforts were made to facilitate investigative processes, both in reporting and in bringing charges and prosecuting perpetrators. Major changes were introduced in evidence requirements and related procedure. Action was taken to provide or extend infrastructures, facilities, services and expert help and legal aid for female victims and their families, as well as to establish referral systems at the community level. The establishment of special police forces, additional personnel training and the setting up and extension of a system of crisis intervention centres and shelters were key features of efforts to ensure victim assistance and promote safety and security. Ministerial-level and other internal coordination committees across ministries and protocols for various agencies were reported.

B. Specific initiatives and measures

26. In Algeria, criminal law and procedure made no distinction as to gender, including that of the offender, but the Penal Code guaranteed special protection for female victims of violation of their honour or physical abuse. Rape carried a relatively severe penalty, which was increased in cases where the victim was under 16 years of age. The Penal Code had been amended to rectify what was considered a source of legal discrimination, the provisions governing adultery, which had now been extended to include men, making both men and women convicted of adultery equally liable legally. Proceedings that could be instituted solely on the submission of a complaint by the injured spouse and terminated by the victim's pardon were now subject to the same conditions regardless of gender.

27. In Austria, a Programme of Action against Violence in Society introduced in 1997 catalogued measures to combat violence against women. It addressed protection for victims and work with offenders; control over the sale, purchase and possession of firearms; training and research to promote violence-free parental education; sensitization and networking via an anti-violence information campaign; and restricting dissemination of violence-inducing material in electronic media. A new law had been introduced governing sex offences, trafficking in human beings and pornographic presentations involving minors in electronic media. The Protection against Violence Act of 1997 empowered the police to require an offender to leave and stay away from a common domicile. Intervention centres against domestic violence, the first of which was established in 1996, had become part of networks of rapid and coordinated response to victims of violence. The new aliens law, which entered into force in 1998, offered protection to victims and witnesses of trafficking in human beings. All police officers in Austria were required to attend a two-day seminar on violence in the family as part of their basic training.

28. In Belarus, the Penal Code provided that the threat of murder, the infliction of grievous bodily harm or the destruction of property in a dangerous manner were punishable offences. Compulsion of women to engage in sexual intercourse or the like by a person on whom a woman was materially dependent or of whom she was an employee was punishable by a term of imprisonment of up to three years.

29. Brunei Darussalam reported on provisions of its Criminal Procedure Code. The Code, *inter alia*, gave the police judicial authority to enter premises, conduct searches, effect arrests and confiscate weapons in cases of violence against women. Women victims of violence could testify in court proceedings as witnesses and measures available to facilitate providing evidence and protecting privacy included in camera testimony. The Women and Girls Protection Act aimed at the suppression of prostitution of and trafficking in women and girls. Its provisions covered selling, hiring for purposes of prostitution and trafficking, and living on or trading in prostitution; it also provided for the suppression of houses of prostitution.

30. Colombia had ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women of 1996, on the basis of which it had introduced a new law prohibiting violence against women. The law prohibited the use or threat of violence in a broad sense, ranging from minor to serious acts of aggression. Violence encompassed physical and psychological harm and maltreatment, including the restriction of personal freedom and forced sexual contact between partners. Authorities could issue various protection and restraining orders, including eviction of the offender from the domicile, and could impose compulsory treatment on the offender. Payment of damages for the offender's conduct, special protections for victims at home and in the workplace and free legal aid were provided for.

An Inter-Institutional Committee for Action to Combat Trafficking in Women and Children had been established.

31. Cuba reported a low incidence of violent crime directed against women, which did not necessitate promulgation of specific new or supplementary legislation. Legal instruments in effect, such as the Family Code and the Criminal Code, adequately defined as an offence that which infringed on an individual's right to equality and the committing of acts of violence or incitement to commit them. Gender equality was guaranteed by law.

32. The Dominican Republic reported on its 1997 legislation to deal with violence against women and had taken action to ensure implementation of the law. Amendments had been introduced to the Penal Code, the Code of Criminal Procedure and the Code for the Protection of Children and Adolescents. The Government had established a Women's Protection Team, a group of prosecutors available to provide legal aid to victims, and the Abused Women's Support Centre at the National Laboratory of the National Institute of Forensic Pathology, to provide clinical certification of maltreatment. The Government had also introduced an anti-violence campaign and initiated a study on modification of cultural patterns conducive to violence. The Ministry of Education was fostering non-sexist education, the revision of educational material and courses for gender neutrality and training on gender for educators.

33. In Ecuador, a bill had been introduced to reform the Penal Code and the Code of Criminal Procedure. This would extend the statutory definition of rape, increase penalties for sexual assault and rescind provisions that enabled perpetrators of offences against women to go unpunished. As the bill had not yet been debated or adopted, the establishment through the National Women's Council of an ombudsman's office for women and family rights was considered the only tangible response aimed at penalizing domestic violence and promoting women's safety in the country. The Council had stepped up efforts to foster gender equality and promote gender-sensitive crime prevention. A gender and human rights programme was being developed to provide training to the police. Prevention and support measures were central and needed to be placed high on the national priority list for future work and action by the State and civil society.

34. Finland reported that substantial action had been taken in line with the Model Strategies and Practical Measures. The development goal of preventing violence against women was included in the target agreements between the Ministry of Social Affairs and Health and the provincial state offices. Violence was comprehensively criminalized in the Penal Code. The victim was no longer required to report an assault in order to bring charges; instead, the offence was subject to public prosecution even when committed within the family. Pending legislation on restraining orders would prevent offences directed at life, health, liberty and peace and would provide protection against continuous harassment. Regarding victim assistance, a court had appointed legal counsel for victims in certain legal proceedings. The *Resource Manual on Domestic Violence* had been translated into Finnish, in cooperation with the European Institute.

35. France reported that its actions to combat violence against women were mostly of a legislative and procedural nature and consisted of assistance to victims. Violence committed against a person in a particularly vulnerable situation, visible or known to the offender, or violence perpetrated by the spouse or partner of the victim were aggravating factors. Punishment for the offence of rape had been increased to carry a 15-year term of imprisonment. The Court of Cassation had on two occasions acknowledged spousal rape. A system of victim redress had been introduced by law in 1997 and established compensation boards. In civil law, a victim of violence had recourse to civil codes on matters of domicile; the court could issue emergency protection orders.

36. In Germany, a working group on trafficking in women was established in 1998. Criminal law envisaged harsh penalties for gender-specific violence. In 1997, intra-marital rape, which previously could amount only to bodily injury, was made a punishable offence. The previous definition of violence (substantial physical violence) was broadened so that taking advantage of a particular situation constituted the offence of sexual coercion or rape, and all forms of penetration were made equally liable to prosecution. Further protective measures for victims were adopted; they extended to participation rights and ensured that female victims were cared for during criminal proceedings. The Act on the Combating of Sexual Offences and Other Dangerous Criminal Offences of 1998 provided for new and more flexible possibilities for courts and prison authorities in sex offence cases.

37. In 1998, Guatemala promulgated the Act to Prevent and Eliminate Domestic Violence, which envisaged great

progress as regards women's safety and authorized the courts and police to intervene. New provisions governed domestic violence and the issuance of orders against the perpetrator. Such orders provided for compulsory attendance at institutions offering therapy for the perpetrator; eviction from the domicile and prohibition of further intimidation of family members, of gaining access to the permanent or temporary home and any other place of contact, and of custody, visitation and interference in any way in child rearing; entry warrants for situations of risk of physical, sexual or psychological harm to a person and damage of property; prohibition and confiscation of weapons; provisional maintenance obligations in accordance with the Civil Code; and cash compensation for the harm caused to the victim and/or damage to property. Proposed amendments to the Penal Code would establish domestic violence as an offence and provide for heavier penalties for rape, sexual assault and abduction.

38. In Honduras, the Domestic Violence Act of 1998 had established penalties for violent acts that did not constitute criminal offences under the Criminal Code. It aimed at protecting women against physical, psychological and sexual harm and property damage resulting from the violence of an intimate relation. Violence was categorized as physical violence, psychological harm, sexual violence and violence against property. The Act provided for safety measures designed to stop the violence and prevent further harm, including temporary removal of the offender from the domicile, prohibition on visiting the home and other places frequented by the victim, arrest and disarming of the offender and removal of weapons. Court hearings with parties concerned were to be held within 24 hours. Special police training was set up with the support of the Latin American Institute for Crime Prevention and the Treatment of Offenders.

39. In Jordan, the Penal Code provided for gender equality in all provisions and aspects with the exception of those having to do with adultery; the latter were under examination. The Legal Committee of the National Committee for Women had proposed modifications to the Penal Code to remove gender discriminatory provisions. Laws provided specific protections for women and ensured their safety. Anyone who intentionally beat, injured or harmed another person, by any effective act of violence or assault whatsoever, was subject to punishment of imprisonment for a period of from three months to three years. The Penal Code provided for imprisonment of those who sold or acquired for the purpose of sale or distribution any obscene article in any form that implied immorality.

40. Kuwait reported that full gender equality and the exercise of rights and freedoms without discrimination were guaranteed by law, including the rights of women subjected to violence to equal access to justice and to recourse for any act of violence perpetrated against them. A victim of any harmful act had the right to request appropriate compensation from the judiciary. Acts of kidnapping and slavery, including prostitution and incitement thereto, had been criminalized and the perpetrators of such crimes received severe punishment, ranging from 10 years' imprisonment to life imprisonment and the death penalty. Violence against women was considered a grave violation of human rights; the rights of women and children were integral to the definition of universal human rights. Kuwait reported that during its occupation by Iraq many Kuwaiti women had been subjected to inhumane forms of violence, for which reason the State had established the Social Development Office so as to continue developing society and its process of reconstruction.

41. Madagascar reported its criminal law to be in conformity with the Model Strategies and Practical Measures. No provision of its law allowed the possibility of condoning violence against women: perpetrators were not allowed to escape criminal responsibility. By law, those convicted of an offence were administratively denied the right to purchase, possess and carry weapons. Sexual harassment was not provided for or punished under the law, but a special law was envisaged penalizing threats of violence. In cases of violence, in particular those involving acts discovered during or after their commission, regardless of the gender of the victim, the police were authorized, with a warrant, to enter premises, including private premises, and to effect arrest and seizure.

42. In 1997, Mauritius introduced a law to criminalize domestic violence. That legislation covered acts as well as attempts to cause physical and psychological injury and damage to property and provided for the issuance of protection and restraining, occupation of domicile and tenancy orders for premeditated and repeat offences. The Government had established protocols for the police and probation services and an inter-ministerial coordination committee. A more effective referral system had also been established. Legal resource persons were recruited to provide legal aid for victims in taking up court

proceedings, the cost of which was borne by the Government. A domestic violence intervention unit provided a 24-hour intervention service. Female police officers were posted in all police stations and temporary police emergency shelters. In cooperation with the United Nations Children's Fund, the Government had launched a training programme for professionals and a national education and awareness campaign that included legal literacy courses.

43. In Morocco, in accordance with the legal, religious, cultural and social precepts of Islam, which guarantee gender equality and equal protection and treatment under the law, no separate law existed for the protection of women. The basis of action to combat violence against women was derived from the Islamic legal system. Criminal law provided severe penalties for those who committed offences against women.

44. The Netherlands provided its strategic plan for confronting domestic violence. The plan encompassed areas such as the role of professionals in identifying domestic violence processes; the development of domestic violence identification and registration programmes; study of the behaviour and motivation of offenders; provision of primary care and other victim assistance; awareness-raising among migrants; information-exchange and coordination among relevant bodies; and surveying of existing facilities and services. A policy paper on the sexual abuse of children identified areas in need of research and points for action against sexual abuse of children.

45. The Penal Code of the Niger established penalties intended to suppress particular forms of violence against women and children. However, there were certain customary practices tolerated in society that constituted violence against women, both physical or mental. Among such practices were female genital circumcision, which also posed grave health risks for females; arranged marriages without consent and contracted against personal will; sexual harassment, which had become widespread; force-feeding; and removal of children from their mother at an early age. To date, no legislative or regulatory provision had been introduced to eradicate violence of that kind. The legal system of the Niger was regarded as outdated, texts having been inherited from colonial times being still in effect. Legal reform was necessary; new legislation should codify legal precepts embodied in international conventions and covenants that explicitly affirmed the fundamental rights of women.

46. The Republic of Korea had adopted measures to eliminate violence against women, including revision of the special act providing for increased penalties for sex offences that took women and girls as their principal victims and the introduction of a new special act providing for protection orders against domestic violence offences. The Sexual Assault Act, amended in 1997, enhanced law enforcement's response to sexual violence against relatives. Harsher penalties were enacted for sexual assaults, such as rape and molestation of children, the prosecution of which were not subject to a victim's complaint. The Domestic Violence Act of 1997 allowed for active crisis intervention on the part of the Government and society. It also adopted a protection order system for the safety of the victim and those affected and ensured restitution for victims through civil process.

47. Slovakia reported statistics on violence against women for the years 1990-1997. It reported that constitutional guarantees applied to all persons, regardless of gender. Domestic violence as such was not codified in criminal law but was covered by many categories of offence, having to do, for example, with assault and unlawful entry of premises. In the code of criminal procedure, no differentiation was made by gender in terms of criminal responsibility. Various measures had been put into effect, especially in terms of prevention and assistance to victims. The police was particularly active in the prevention of sexual abuse of women and girls. Research had been undertaken in recent years into changing stereotypical conduct and views of the roles of men and women in the family and society, particularly in the labour force. The text of the Model Strategies and Practical Measures had been translated into Slovak and widely disseminated among relevant offices and personnel.

48. Spain had adopted a Plan of Action against Domestic Violence, prepared by the Institute for Women's Affairs with the participation of five ministries. The Plan, with its 57 measures covering education and training, social resources, public health, law, judicial practice and research, was prevention-oriented and included the introduction of a public awareness campaign.

49. In Sweden, a 1998 law reform had widened the definition of rape and criminalized certain acts, such as attempting to obtain all forms of casual sexual services against payment. Penalties were increased for genital mutilation. Provisions on sexual harassment in the workplace were strengthened. Gender-neutral language

was introduced into the Penal Code. A law commission on sexual offences was set up to review legal provisions relating to sexual offences and consider to what extent rape should focus on consent rather than on force. The commission was also mandated to review provisions on rape in relation to children and to study court practice in determining punishment. The National Council for Crime Prevention considered, *inter alia*, putting into place measures to improve assistance for women who had been subjected to violence. Improved statistics and special research studies were also necessary, as well as the integration of a gender perspective in criminological research and the appointment of a national rapporteur.

50. Switzerland introduced measures to facilitate the testimony of victims, in particular the victims of sexual offences. Victims of crime could bring civil claims in criminal proceedings. Victims of crime could seek compensation or punitive damages from the State. The cantons were required to provide victims with access to independent public or private counselling centres whose task it was to offer medical, psychological, social, material and legal support and to give information on victim assistance. Judges and police were undergoing specialized training in victim assistance. Two publications had been issued, on stopping violence by partners and on protection against sexual harassment in the workplace.

51. In Ukraine, the prevention of all forms of violence against women was acknowledged as a problem of ever-increasing urgency, especially as the State was at a complex stage in its socio-economic development. The sharp drop in the standard of living enjoyed by the population and the high unemployment rate affected women and their status to a considerable degree. Phenomena such as sexual exploitation and trafficking in women jeopardized the safety of women as well. Their protection from all forms of violence was a key feature of the Ukraine national plan of action to improve the status of women and upgrade their position in society. In March 1997, amendments to the Criminal Code and the Code of Criminal Procedure had established trafficking in persons as a criminal offence. Another plan aimed at preventing trafficking in women and other forms of violence against women and involved expanding regional and international cooperation.

C. Activities by other organizations

52. The Division for the Advancement of Women of the United Nations Secretariat referred to the ongoing work of the Committee on the Elimination of Discrimination against Women and its oversight function in monitoring the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (resolution 34/180, annex).

53. The United Nations Development Fund for Women, established as an innovative and catalytic fund for women's empowerment and gender equality, supported innovative and experimental activities benefiting women. The Trust Fund in Support of Action to Eliminate Violence against Women supported projects aimed at the eradication of violence against women in all its forms. The United Nations Development Fund for Women continued to build up an operational knowledge base to influence gender mainstreaming.

54. The Council of Europe informed the Secretary-General about its efforts to develop and implement strategies for the elimination of violence against women at the regional and national levels. Reference was made to the Plan of Action against Traffic in Women and Forced Prostitution,[4] the Plan of Action for Combating Violence against Women[5] and the conclusions of the Third European Ministerial Conference on Equality Between Women and Men, held in Rome in 1993.[6]

IV. Concluding remarks

55. Responses received from Governments on the implementation of General Assembly resolution 52/86, albeit relatively low in number, indicate evidence of the persistence of significant problems in respect of violence against women and of difficulties encountered in effectively suppressing it. For the most part, strategies introduced were far from being as systematic and comprehensive as those recommended in the Model Strategies and Practical Measures. Steps described to date were predominantly legal, although many other types of action were also taken. Some Governments had introduced measures that were called for by the Model Strategies and Practical Measures. However, there might be a need for further planned and coordinated work on the basis of the Model Strategies and Practical Measures so as to advance the full implementation of that instrument.

56. Research and a more scientific policy approach would have to be pursued as regards key aspects of the Model Strategies and Practical Measures. In-depth information would have to be collected and analysed to guide effective reformative action by Member States, as called for by the instrument, in order to achieve the universal goal of elimination of violence against women.

57. Advisory services could assist Member States in coordinating their national efforts to plan and institute a country-specific plan of strategically tailored steps reflecting the United Nations integrative policy perspective.

58. In line with the Model Strategies and Practical Measures, studies should be pursued that would ascertain the nature and context of the problem in a given country, using standardized methodology for data collection. Such studies should include an assessment of the nature and impact of the criminal justice response system and processes on incidence and an evaluation of reformative legal and operational action.

59. It may also be possible to use a "gender balance index" and gender-segregated data from the United Nations surveys of crime trends and operations of criminal justice systems on numbers of women personnel and to establish benchmarks for assessing the extent to which the standards of the instrument are being applied. The benchmarks could also be useful in assessing the responsiveness of criminal justice systems to violence against women.

60. The draft resource manual and compendium are intended to promote practice in line with the policy and standards established by the Model Strategies and Practical Measures—a blueprint and yardstick for reformative action.

Notes

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[2] United Nations publication, Sales No. E.94.IV.1.

[3] United Nations publication, Sales No. E.92.IV.1.

[4] See Council of Europe, Plan of Action against Traffic in Women and Forced Prostitution, Michèle Hirsch, Strasbourg, 1996 (EG (96) 2).

[5] Final Report of Activities of the EG-S-VI, including a Plan of Action for Combating Violence Against Women, Group of Specialists for Combating Violence Against Women, Strasbourg, 1997 (EG-S-VI (97) 1).

[6] Third Ministerial Conference Strasbourg, 1993 (MEG-3 (93) 22); Ministerial Conference of the European Union to prepare the European Code to Prevent and Combat Trafficking in Women, The Hague, 1997, which adopted the Hague Ministerial Declaration on European Guidelines to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation. See also the result of the work of and the recommendations of the Budapest Group on illegal migration, Prague, October 1998.

Annex

Resolutions of relevance to programme activities related to the elimination of violence against women and the implementation of General Assembly resolution 52/86

Resolution	*Title*	*Action*
General Assembly		
Resolution 51/65 of 12 December 1996	Violence against women migrant workers	Invited the Administrative Committee on Coordination to examine how to improve coordination within the United Nations system on the question of violence against women migrant workers
Resolution 52/90 of 12 December 1997	Strengthening the United Nations Crime Prevention and Criminal Justice programme, particularly its technical cooperation capacity	Requested the Secretary-General to assist the Commission on Crime Prevention and Criminal Justice in performing its activities, including cooperation and coordination with other relevant bodies, such as the Commission on Human Rights and the Commission on the Status of Women
Resolution 53/116 of 9 December 1998	Traffic in women and girls	Welcomed the initiatives and activities of United Nations bodies and organizations to combat trafficking in women and girls and invited them to strengthen activities, and requested the Secretary-General to compile, as reference and guidance, successful interventions and strategies in addressing various dimensions of the problem, based on reports, research and other materials from within and outside the Organization and to submit a report to the General Assembly at its fifty-fifth session
Economic and Social Council		
Resolution 1997/60 of 25 July 1997	Eradication of poverty	Reaffirmed that the Council would continue to oversee system-wide coordination in the implementation of its agreed conclusions 1996/1 on the eradication of poverty by all organizations of the United Nations system and called on the functional commissions to implement fully the recommendations contained in them

Resolution	*Title*	*Action*
Agreed conclusions 1997/2		Adopted the agreed conclusions on mainstreaming a gender perspective into all policies and programmes in the United Nations system, calling for the mainstreaming of a gender perspective into all policies and programmes in the United Nations system and calling upon the functional commissions and subsidiary bodies to mainstream a gender perspective in their work and to report on progress and any obstacles thereto
Resolution 1998/12 of 28 July 1998	Conclusions of the Commission on the Status of Women on critical areas of concern identified by the Beijing Platform for Action	Adopted the Conclusions on, *inter alia*, violence against women, the girl child and strategies to address trafficking in women and girls
Resolution 1998/26 of 28 July 1998	Advancement of women: implementation of the Beijing Platform for Action and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development	Welcomed the opportunities presented by the reform process in the United Nations to better coordinate and mainstream gender issues as part of a strategic framework, and reaffirmed that an active and visible policy of gender mainstreaming should be integrated into operational activities for development
Resolution 1998/43 of 31 July 1998	Mainstreaming the gender perspective into all policies and programmes in the United Nations system	Reaffirmed that the recommendations contained in agreed conclusions 1997/2 should be implemented as a matter of urgency
Resolution 1998/44 of 31 July 1998	Integrated and coordinated implementation and follow-up of major United Nations conferences and summits	Called for action on the part of all relevant entities to give effect to the outcome of the major conferences
Commission on the Status of Women		
Resolution 41/4	Violence against women migrant workers	Requested the Secretary-General to take into account and to reflect in his thematic report to the Commission at its forty-second session the various major findings from all reports of the Secretary-General submitted to the General Assembly in order for the Commission to make recommendations on the issue
Resolution 41/5	Traffic in women and girls	Called for the acceleration of the implementation of the Platform for Action of the Fourth World Conference on Women

Resolution	*Title*	*Action*
Resolution 41/6	Mainstreaming the gender perspective into all policies and programmes in the United Nations system	Encouraged the Economic and Social Council, at its coordination segment in 1997, to develop specific recommendations for mainstreaming a gender perspective into all United Nations system activities
Commission on Human Rights		
Resolutions 1997/44 of 11 April 1997 and 1998/52 of 17 April 1998	The elimination of violence against women	Invited all relevant bodies to cooperate with the Special Rapporteur in the performance of her mandated tasks and duties